

Remarks

Applicants have read and considered the Office Action dated April 15, 2009 and the references cited therein. Claims 1, 3-8, 11-12, and 15 have been amended. Claims 1, 3-9, and 11-15 are currently pending. Reconsideration is hereby requested.

Claims 1, 3, 4, 6-8, and 14 were rejected under 35 USC 102(b) as being anticipated by Manique et al. In regard to claim 1, the Action states that Manique teaches a method for inspecting packaging for liquid products including setting a packaging into rotation, irradiating the packaging during the rotations with a radiation of a predetermined wavelength, making at least one series of at least two recordings of at least a part of the content of the packaging during rotation, with an image recording device suitable for making recordings at a predetermined wavelength. The Office Action also states that Manique teaches that the packaging is situated in substantially the same rotational position relative to the recording device during successive recordings of the series, and the packaging is maintained in rotation during the successive recordings of the series. Applicants respectfully traverse the rejection.

Claims 1 and 12 have now been amended and clarify the method for inspecting packaging. Claim 1 now recites setting a packaging into rotation, irradiating the packaging during the rotation with radiation of a predetermined wavelength, and making at least one series of at least two two-dimensional recordings of at least a part of the contents of the packaging during the rotation with an image recording device suitable for making two-dimensional recordings at the predetermined wavelength. Moreover, claim 1 recites that the packaging is situated substantially in the same rotational position relative to the recording device during successive two-dimensional recordings of the series, and the packaging is maintained in rotation during the successive two-dimensional recordings of the series.

Similarly, claim 12 recites setting a container into rotation and irradiating the container during the rotation with radiation of a predetermined wavelength. Claim 12 now recites making

at least one series of at least two two-dimensional recordings of at least a part of the content of the container during the rotation with an image recording device suitable for making two-dimensional recordings at a predetermined wavelength. The container is situated in substantially the same rotational position relative to the recording device during successive recordings of the series. The image recording device is positionable at an angle ranging from greater than 90° and less than 180° from the container's axis of rotation. Applicants assert that the recited method is neither shown nor suggested.

In contrast to the methods now recited in claims 1 and 12, Manique only teaches use of one-dimensional line scans of a container. Manique then uses an unfolding technique on its one-dimensional line scans. As previously discussed in prior responses, Manique is used for a different inspection and utilizes and processes the information in a completely different manner. The Manique et al. system requires much more complicated image processing by "unfolding" the line scans to create images for analysis. Conversely, the present invention provides for comparing scanned two-dimensional images to detect impurities and other defects. Manique does not take an image of the contents of the bottle, and cannot compare the entire contents, as only a line is scanned. As is clearly shown in Figs. 1 and 2 of the present application, such images, taken at angles, provide for superior detection and analysis without the complicated image unfolding required by Manique et al. Moreover, Applicants again assert that Manique does not teach or suggest that the scans must be made at the same position. Applicants assert that the present invention reciting making the scans with at least two two-dimensional recordings to the container situated in substantially the same rotational position relative to the recording device and successive recordings is not shown or suggested. Manique compares to predetermined references so that the comparison with the same position is not important. Therefore, Manique teaches away from the present method. Moreover, displacement of foreign bodies may not be detected by Manique with only a single line scan. As the line scans are compared to predetermined references, this is not critical for Manique. Applicants assert that the two-dimensional images that are recorded with the method of the present invention provide for

comparison and displacement of foreign bodies within the bottle. Applicants assert that this provides advantages for comparison and inspection that are not possible with Manique et al. or any other prior art or combination thereof. Applicants assert that claims 1 and 12, and the claims depending therefrom, patently distinguish over Manique et al. and request that the rejection be withdrawn.

Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Manique et al. in view of Ishikawa. Moreover, claims 9 and 11 were rejected under 35 USC 103(a) as being unpatentable over Manique et al. in view of Katane et al. As discussed above, claim 1 patently distinguishes over Manique et al. Applicants assert that Ishikawa and Katane fail to remedy the shortcomings of Manique et al. Applicants therefore assert that claim 1 patently distinguishes over the combination of Manique et al. and Ishikawa, as well as the combination of Manique et al. and Katane et al. Applicants therefore assert that claims 5, 9, and 11 patently distinguish over the prior art or any combination thereof. Applicants therefore request that the rejection of claims 5, 9, and 11 be withdrawn.

Claims 12, 13, and 15 were rejected under 35 USC 103(a) as being unpatentable over Manique et al. As discussed above, claim 12 patently distinguishes over Manique, and is not obvious in view of Manique. In addition, claims 13 and 15 are also believed to patently distinguish over Manique and any other prior art for at least the same reasons. Applicants request that the rejection under 35 USC 103(a) over Manique be withdrawn.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.

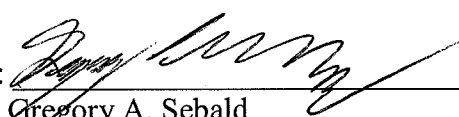
A speedy and favorable action in the form of a Notice of Allowance is hereby solicited.
If the Examiner feels that a telephone interview may be helpful in this matter, please contact
Applicant's representative at (612) 336-4728.

Respectfully submitted,

MERCHANT & GOULD P.C.

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By: _____


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